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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CHANKONG, DOHM	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,424	HUNT, PRESTON J.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,12-23,25,26,28 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,12-23,25,26,28 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks, filed 12.27.2005. Claims 1, 10, 20 , 22, 26, and 28 are amended. Claims 1, 3-10, 12-23, 25, 26, 28 and 29 are presented for further examination.

2> This is a final rejection.

Response to Arguments

3> Applicant's arguments with respect to claims 1, 3-10, 12-23, 25, 26, 28 and 29 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

4> Applicant's amendment of the specification has overcome the 35 U.S.C § 101 rejection. The § 101 rejections of claims 26, 28 and 29 are withdrawn.

5> Applicant did not object or traverse the official notices taken in the previous rejection [see Non-Final rejection, pg. 5]. If applicant does not traverse an assertion of official notice, the common knowledge or well-known in the art statement [in regards to the devices of a tablet, palm computing device, a cell phone and a TV-based internet device and drop-down menu functionality] is taken to be admitted prior art because Applicant failed to traverse the assertion of official notice. MPEP § 2144.03(c).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6> Claims 4, 6, 7, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. These claims disclose either selecting or displaying "one among the zero or more web addresses...". The claims should be amended to further clarify the paradoxical situation of trying to select one address when there are zero addresses from which to choose, such as in claim 8.

b. Additionally, in regards to claim 8, the first limitation states "displaying...one among the zero or more web addresses". Even if claim 8 is amended to address the paradox of displaying an address when there are zero addresses to display, the next limitation discloses "selecting...a web address among the displayed web addresses". Thus, the second limitation requires more than one addresses to be displayed. These limitations thus conflict rendering the claim unclear. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7> Claims 1, 3-10, 12-23, 25, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods et al (US 2002/0087692, "Woods," hereafter) in view of Willner et al, U.S Patent Publication No. 2002|0184319 ["Willner"].

8> Regarding claims 1, 10, 20, 22-23, 26, 28 and 29, Woods discloses a method and apparatus for accessing web site via intervening control layer, which comprising, insertion of intervening layer, i.e., monitoring layer between Winsock and TCP stack. The intervening layer intercepts, e.g., capturing, extracting, URL form traffic; determining whether the URL is in predetermined category in a database or URL cache, as permissible content. Determining whether URL, is permissible would require content determination concept, (Fig 2-200; paragraph 9-10). The aforementioned implied teaching of monitoring network traffic by a network interface; filtering network address. Woods discloses web address is categorized based on content (paragraph 25). Further, claims' language required a categorizing mechanism, i.e., intervening or monitoring layer 212, Fig. 2(a); categorizes an extracted web address, i.e., URL is intercepted from traffic by the monitoring layer and store in database or cache. Woods teaches categorizing is based on content of a web page associated with the web address, by correlated URL with predetermined content, which represents by the referenced address, in the database or cache. Examiner recognized that applicant's teaching in the specification might be different from Woods' teaching but claim's

language that must be addressed (*In re Hiniker Co.*, 47 USPQ2d 1523 1529 (Fed. Cir. 12998). Woods teaches the web content that determined unsuitable is referenced and store in either URL cache or database in a server, is clearly represent categorizing URL base on web content Woods' paragraph 3 teaches unsuitable content that must be prevent from user(s). Paragraph 5, teaches deficiency of the prior system, paragraph 7, teaches basic machismo, particular intervening layer or monitoring mechanism, which is so called "categorizing mechanism". Paragraphs 9-10 teach URL is being intercepted, i.e., extracted, from traffic. Paragraph 22, teaches content is referenced by URL. Paragraph 24 teaches the system includes intervening layer intercepts the URL to determine whether the content at the URL is permissible.

Woods, however, does not explicitly disclose, assessing or detecting content by scanning metatags of the webpage and assessing the content of the webpage using predetermined characteristics of the identified content to produce a categorized web address.

However, using metatags for identifying content of webs page or web site, is not new. For example, in the same field of endeavor, Willner discloses a process of identifying web content by parsing metatags and assessing the content of the webpage using predetermined characteristics of the identified content to produce a categorized web address [Figures 5, 6, 9]. From this process, Willner is able to categorize web addresses by parsing the metadata tags embedded in the webpages located at the particular web addresses, thus producing a categorized web address.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the inventive concept taught by Willner with Woods to gain advantage of producing a web address monitoring system that has enhances a user's

experience by organizing the available web addresses [see Willner, 0007]. Furthermore, the expectation of success is very high because they both involve with mark up language, which is a source code of web page and the metatags is a common feature of mark up language, which is created for the propose of identifying content. Therefore, modification Woods with Willner would be a simple modification.

9> As to claim 3, Woods-Willner discloses informing a user if an extracted web address falls within a predetermined category [see Willner 0064]. It would have been obvious to modify Woods with Willner's indication functionality to further enhance a user's experience by quickly notifying users of the type of category of a web address [sports, news, etc...].

10> Regarding claim 4, Woods-Willner teaches user review web address and restricts a second user from surfing the site [see Woods 0025 where : Woods clearly teaches determining the restriction imposed on any number of users].

11> As set forth in the previous action, Official Notice was taken in regards to claims 5, 13-15, 19, 21. Applicant did not traverse the use of official notice, so the statements that use of a tablet, palm computing device, a cell phone, TV internet device, Intranet, wireless or Home networks are well known in the art is known admitted prior art. MPEP § 2144.03(c).

Woods-Willner discloses the invention substantially, as claimed, as described in claim 1, but does explicitly state, type of network and network devices, such as any one an Internet tablet, a palm computing device, a cell phone, and a TV-based Internet device,

Intranet, wireless or Home network. Official Notice is taken (see MPEP 2144.03) any or all of the aforementioned device was well known and widely used the same application in the art at the time of the invention was made. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the devices which nearly recognized as a standard of increasing mobility in the Internet Environment. Because not including such devices therein, would generate negative impact for in market process of the final product.

12› As to claims 6 and 7 Woods discloses surfing by the user one among the zero or more web addresses [0021], downloading the zero or more web addresses [0023].

13› As to claim 8, Woods discloses displaying by the network device, one among the zero or more web addresses [0020], but does not expressly disclose selecting a web address among the displayed addresses to surf.

14› Willner discloses displaying web addresses, and enabling a user to select a web address among the displayed web addresses [Figure 4 «item 420» | 0062]. It would have been obvious to one of ordinary skill in the art to modify Woods-Liu with the functionality taught by Willner. One would have been motivated to provide such a combination as Willner's functionality enhances a user's ability to access available web addresses [Willner, 0007].

15> Regarding claim 9, Woods-Willner discloses the invention substantially, as claimed, as described, including, but it is silent to displaying web addresses is a drop-down menu. Official Notice is taken (see MPEP 2144.03) implementation of drop down menu containing web addresses was well known and widely used in the art. For instance, in every conventional browser, e.g., Netscape, Internet explorer, such concept is used for Book-Marking web site and later presenting in drop down menu to eliminate, user from, remembering web site addresses, which is a simplistic and convenience way in web navigational. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the convention inventive concept of drop down menu, including web addresses, with any system that dealing web navigation in order to simplify navigation over the Internet.

16> Regarding claim 12, Woods-Willner discloses the invention substantially, as claimed, as described in claim 10 but Woods is silent to an ability of having user enable monitoring. However changing automatically process to manually process would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a matter of choice. Furthermore, the court held that broadly providing an automatic or mechanical means to replace a manual activity, which accomplished the same result, is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). (See MPEP 2144.04.III).

17> Regarding claims 16-18, Woods discloses sorting the stored web addresses according to at least one criterion wherein the one criterion includes one of time, date, hit count, and content [0007 : content], wherein the database comprises a history cache [0024].

18> Regarding claim 21, Woods-Willner discloses a local area network [Woods Figure 2A].

19> Regarding claim 23, Woods-Willner discloses one hardware device comprising the network interface, the filter, and the database [Woods Figure 2A].

20> Regarding claim 25, Woods-Willner discloses a software agent on a client (Woods, Fig 2A).

21> Claims 1, 4-7, 10, 12-23, 25, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods et al (US 2002/0087692, "Woods," hereafter) in view of Liu et al, U.S Patent Publication No. 6.839.680 ["Liu"].

22> Regarding claims 1, 6-7, 10, 16-18, 20, 22-24 and 26-29, Woods discloses a method and apparatus for accessing web site via intervening control layer, which comprising, insertion of intervening layer, i.e., monitoring layer between Winsock and TCP stack. The intervening layer intercepts, e.g., capturing, extracting, URL form traffic; determining whether the URL is in predetermined category in a database or URL cache, as permissible content.

Determining whether URL, is permissible would require content determination concept, (Fig 2-200; paragraph 9-10). The aforementioned implied teaching of monitoring network traffic by a network interface; filtering network address. Woods discloses web address is categorized based on content (paragraph 25). Further, claims' language required a categorizing mechanism, i.e., intervening or monitoring layer 212, Fig. 2(a); categorizes an extracted web address, i.e., URL is intercepted from traffic by the monitoring layer and store in database or cache. Woods teaches categorizing is based on content of a web page associated with the web address, by correlated URL with predetermined content, which represents by the referenced address, in the database or cache. Examiner recognized that applicant's teaching in the specification might be different from Woods' teaching but claim's language that must be addressed (*In re Hiniker Co.*, 47 USPQ2d 1523 1529 (Fed. Cir. 12998). Woods teaches the web content that determined unsuitable is referenced and store in either URL cache or database in a server, is clearly represent categorizing URL base on web content Woods' paragraph 3 teaches unsuitable content that must be prevent from user(s). Paragraph 5, teaches deficiency of the prior system, paragraph 7, teaches basic machismo, particular intervening layer or monitoring mechanism, which is so called "categorizing mechanism". Paragraphs 9-10 teach URL is being intercepted, i.e., extracted, from traffic. Paragraph 22, teaches content is referenced by URL. Paragraph 24 teaches the system includes intervening layer intercepts the URL to determine whether the content at the URL is permissible.

Woods, however, does not explicitly disclose, assessing or detecting content by scanning metatags of the webpage and assessing the content of the webpage using predetermined characteristics of the identified content to produce a categorized web address.

However, using metatags for identifying content of webs page or web site, is not new. For example, in the same field of endeavor, Liu discloses a process of identifying web content by parsing metatags and assessing the content of the webpage using predetermined characteristics of the identified content to produce a categorized web address [Figure 7D «items 714, 716» | column 3 «lines 32-49» | column 18 «lines 1-24»]. From this process, Liu is able to categorize web addresses by parsing the metadata tags embedded in the webpages located at the particular web addresses, thus producing a categorized web address.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the inventive concept taught by Liu with Woods to gain advantage of producing a traffic monitoring system that has a more robust, accurate and maintainable categorization mechanism [see Liu, column 3 «lines 26-31»]. Furthermore, the expectation of success is very high because they both involve with mark up language, which is a source code of web page and the metatags is a common feature of mark up language, which is created for the propose of identifying content. Therefore, modification Woods with Liu would be a simple modification.

As to claims 6 and 7 Woods discloses surfing by the user one among the zero or more web addresses [0021], downloading the zero or more web addresses [0023].

23> Regarding claim 4, Woods-Liu teaches user review web address and restricts a second user from surfing the site [see Woods 0025 where : Woods clearly teaches determining the restriction imposed on any number of users].

24> As set forth in the previous action, Official Notice was taken in regards to claims 5, 13-15, 19, 21. Applicant did not traverse the use of official notice, so the statements that use of a tablet, palm computing device, a cell phone, TV internet device, Intranet, wireless or Home networks are well known in the art is known admitted prior art. MPEP § 2144.03(c).

Regarding claims 5, 13-15, 19, 21, Woods-Liu discloses the invention substantially, as claimed, as described in claim 1, but does explicitly state, type of network and network devices, such as any one an Internet tablet, a palm computing device, a cell phone, and a TV-based Internet device, Intranet, wireless or Home network. Official Notice is taken (see MPEP 2144.03) any or all of the aforementioned device was well known and widely used the same application in the art at the time of the invention was made. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the devices which nearly recognized as a standard of increasing mobility in the Internet Environment. Because not including such devices therein, would generate negative impact for in market process of the final product.

25> Regarding claim 9, Woods-Liu discloses the invention substantially, as claimed, as described, including, but it is silent to displaying web addresses is a drop-down menu. Official Notice is taken (see MPEP 2144.03) implementation of drop down menu containing web addresses was well known and widely used in the art. For instance, in every conventional browser, e.g., Netscape, Internet explorer, such concept is used for Book-Marking web site and later presenting in drop down menu to eliminate, user from, remembering web site addresses, which is a simplistic and convenience way in web

navigational. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the convention inventive concept of drop down menu, including web addresses, with any system that dealing web navigation in order to simplify navigation over the Internet.

26> Regarding claim 12, Woods-Liu discloses the invention substantially, as claimed, as described in claim 10 but Woods is silent to an ability of having user enable monitoring. However changing automatically process to manually process would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a matter of choice. Furthermore, the court held that broadly providing an automatic or mechanical means to replace a manual activity, which accomplished the same result, is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). (See MPEP 2144.04.III).

27> Regarding claim 25, Woods-Liu discloses a software agent on a client (Fig 2A).

28> Claim 3 is rejected under 35 U.S.C § 103(a) as being unpatentable over Woods and Liu, in further view of Jones et al, U.S Patent Publication No. 2003|0182420 ["Jones"].

29> As to claim 3, Woods and Liu does not expressly disclose informing a user if an extracted web address falls within a predetermined category. However, in the same field of

invention, Jones is directed towards categorizing web sites for monitoring purposes [abstract].

Jones expressly discloses informing a user if an extracted web address falls within a predetermined category [0048, 0229]. It would have been obvious to one of ordinary skill in the art to modify Woods-Liu with the notice functionality as taught be Jones. One would have been motivated to combine Jones because providing the notice functionality into the web address categorization systems of Woods-Liu would let users know when they have accessed a restricted web address [0229].

30› Claims 8 and 9 are rejected under 35 U.S.C § 103(a) as being unpatentable over Woods-Liu, in further view of Willner.

31› As to claim 8, Woods discloses displaying by the network device, one among the zero or more web addresses [0020], but does not expressly disclose selecting a web address among the displayed addresses to surf.

32› Willner discloses displaying web addresses, and enabling a user to select a web address among the displayed web addresses [Figure 4 «item 420» | 0062]. It would have been obvious to one of ordinary skill in the art to modify Woods-Liu with the functionality taught by Willner. One would have been motivated to provide such a combination as Willner's functionality enhances a user's ability to access available web addresses [Willner, 0007].

33> Regarding claim 9, Woods-Liu-Willner discloses the invention substantially, as claimed, as described, including, but it is silent to displaying web addresses is a drop-down menu. Official Notice is taken (see MPEP 2144.03) implementation of drop down menu containing web addresses was well known and widely used in the art. For instance, in every conventional browser, e.g., Netscape, Internet explorer, such concept is used for Book-Marking web site and later presenting in drop down menu to eliminate, user from, remembering web site addresses, which is a simplistic and convenience way in web navigational. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the convention inventive concept of drop down menu, including web addresses, with any system that dealing web navigation in order to simplify navigation over the Internet.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Li et al, U.S Patent No. 6.631.496.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

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SUPERVISORY PATENT EXAMINER